

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal – Committed misconduct - Departmental Proceedings under Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charges - Issued.

IRRIGATION & CAD (SER.IV.1) DEPARTMENT

G.O.Rt.No:705

Dt:05.06.2008.

ORDER:-

It is proposed to hold an enquiry against Sri P.Mohan Reddy, Executive Engineer, IB Division Nirmal in accordance with the procedure laid down in Rule 20 of the APCS (CC&A) Rules 1991

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of Imputations of misconduct or misbehavior in support of article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexures-III and IV).

3. Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal is directed to submit a written statement on **20.06.2008** at **4.00** PM before the Disciplinary authority and also state whether he desires to be heard in person.

4. Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal is informed that an inquiry will be held only in respect of articles of charge that is not specifically not admitted herein. He should, therefore, specifically admit or deny the article of charge.

5. Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal is further informed that if he does not submit his written statement of defence on or before the date specified in para-3 above, or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal is further invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter the same will be dealt with in these proceedings it will be presumed that Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal is aware of such representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the Andhra Pradesh Civil Service (Conduct) Rules, 1964.

7. The receipt of the Memorandum be acknowledged.

To

Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal
through the Engineer-in-Chief (AW), I&CAD Dept, Hyderabad.

Copy to Engineer-in-Chief (AW), I&CAD Dept., Hyderabad, with request
to serve the charges and send the dated Acknowledgement of the
Officer immediately

SF/SC

ANNEXURE-I

Draft Article of charge framed against Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal.

Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal has committed grave irregularity amounting to misconduct in violation of rule 3 of APCS (Conduct) Rules 1964 as mentioned in the following articles of charges:

Article of Charge : That the said Sri P.Mohan Reddy functioning as Executive Engineer, IB Division Nirmal, Adilabad Dist, after rightly canceling the first call tenders for the four field channel works of Kothur Tank Reach-I: Kothur tank Reach-II and Jhari and Lakshmipur village tanks, called the tenders a second time. He did not act upon the representation of one Sri L.Krishna Prasad Reddy dt.30.05.2006, alleging that he was prevented by the followers of one Sri A.Narayana Reddy is rival contractor, from dropping his tenders into the tender box. Even adverse press reports in the Telugu dailies Eenadu and Andhra Jyothi on 31.05.2006 did not goad the EE into canceling the tenders. Instead all the four works were entrusted to the said Sri A.Narayana Reddy against whom the compliant was made, even though three of the four works were only single tenders. Thus by his inaction and subsequent action of entrusting all the works to Sri A.Narayana Reddy, the EE., Sri P.Mohan Reddy has given scope to suspicion that he has unduly favoured the said Sri A.Narayana Reddy for obvious reasons, which amounts to misconduct and misbehavior in violation of Rule (3) of APCS (Conducts) Rules, 1964.

Annexure-II

Statement of imputations in support of charges framed against
Sri P.Mohan Reddy Executive Engineer, IB Division Nirmal

Based on a complaint from Sri Goka Sarada Jeeven Reddy, the President, Mandal Parishad Thalamadugu (M) of Adilabad, the Hon'ble Lokayukta got the matter inquired through the Director (Investigation) and a prima-facie was established.

Due to non concluding of agreement of failing to commence the work inspite of concluding the agreement the tenders for the following four works had to be cancelled viz: Kothur reach-I, Kothur reach-II, Jhari and Lakshmipur tanks. The EE IB Division Nirmal recalled the tenders, in which one Sri L.Krishna Prasad Reddy Contractor purchased tender schedules for all the four works. When the contractor approached the division office on 30.05.2006 for dropping the tenders into the tender box, he was prevented by the followers of another contractor Sri A.Narayana Reddy. Inspite of receiving a representation in this regard and appearance of adverse news item in the Telugu dailies Eenadu and Andhra Jyothi on 31.05.2006, the EE IB Division Nirmal did not consider the representation of Sri L.Krishna Prasad Reddy. On the other hand he concealed the receipt of the representation in his office. He entrusted one work i.e. Kothur Reach-II to the said Sri A.Narayana Reddy the lowest tenderer at 4.52% excess over estimate rates. The other three works were also entrusted to the said Sri A.Narayana Reddy inspite of being single tenders duly accepting his offer to execute the works at estimate rates.

The awarding of all the four works to the said Sri A.Narayana Reddy inspite of the fact for three works, his was single tender and his in action on the representation of Sri L.Krishna Prasad Reddy and adverse press reports, impliedly leads to the suspicion that Sri P.Mohan Reddy has acted in undue favour of the contractor Sri A.Narayana Reddy which amounts to misconduct and misbehavior in violation of APCS (Conduct) Rules, 1964.

ANNEXURE-III

List of documents:

1. Orders of the Hon'ble Lokayukta dt.28.01.2008 in complaint No.92/2007/B2.
2. Copy of report of Investigating Officer with enclosures.
3. Any other relevant record.

ANNEXURE IV

LIST OF WITNESSES

1. Sri L.Krishna Prasad Reddy Contractor.
2. Sri A.Narayana Reddy Contractor
3. Sri Goka Sarada Jeevan Reddy President Mandal Parishad Thalamadugu.
4. Sri Penduru Lakshman.